

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of August 11, 2008 and the telephonic interview conducted September 9, 2008.

Claims 1-7, 9 and 11-22 remain in this application. Claims 1-3 and 18 have been amended. Claims 8, 10, 14, 17 and 22-25 have been canceled. Claims 5-7 remain as originally filed. Claims 4, 9, 11-13, 15-16 and 19-21 remain as previously presented. Claims 26-31 are newly added.

Reconsideration of the application is requested.

The Office Action

Claims 1, 5-7, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo et al. "A Study on Color Space Selection for Determining Image Segmentation and Region Number" ("Guo").

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo combined with Reavy et al. U.S. Patent No. 6,788,308 Bs ("Reavy") as applied to claim 1, in view of Hamlin et al. U.S. Patent No. 5,473,738 ("Hamlin") and further in view of Sandow U.S. Patent No. 5,909,220 ("Sandow").

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo combined with Reavy, Hamlin and Sandow as applied to claim 2 and further in view of You et al. "A Hierarchical Image Matching Scheme Based on the Dynamic Detection of Interesting Points" ("You").

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo combined with Reavy as applied to claim 1, in view of Shi et al. "Normalized Cuts and Image Segmentation" ("Shi").

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo combined with Reavy as applied to claim 1, in view of Sandow.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Guo combined with Reavy and Sandow as applied to claim 11, in view of Gatica-Perez "Video Object Hyper-Links for Streaming Applications" ("Gatica-Perez").

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guo combined with Sandow in view of Gatica-Perez as applied to claim 12, and further in view of You.

Claims 17 and 18 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Interview Summary

The Applicants wish to extend their gratitude to Examiner Daley for discussing this currently pending patent application, and the last Office Action dated August 11, 2008. In substance, it was agreed the proposed claim 1 and claim 26 were compliant with statutory requirements and are novel and non-obvious with respect to the cited prior art. It was also agreed to rewrite the new proposed claim 29 to claim subject matter related to a "computer-usable memory" to assure proper compliance with statutory requirements and overcome any obviousness or anticipation rejections based on the cited prior art.

Applicants' Response

Independent claim 1 is currently amended to include the claimed subject matter of claim 17 previously presented and indicated as including allowable subject matter in the last Office Action. Accordingly, it is respectively submitted claim 1, and all claims which depend therefrom, i.e. claims 2-7, 9, 11-12, 15-16 and 18-21, are allowable.

Independent claim 26 is newly added and includes subject matter including an apparatus for automatically determining a foreground color for a digital image claimed as discussed with Examiner Daley on September 9, 2008. Per the agreement reached during that interview, it is understood claim 26, and claims depending therefrom, i.e. 26-28, are in condition for allowance with respect to previously cited prior art.

Independent claim 29 is newly added and includes subject matter including a computer program product comprising a computer-usable memory device, as discussed during the Examiner Interview on September 9, 2008. Per the agreement reached

during that interview, it is understood claim 29, and claims depending therefrom, i.e. claims 30-31, are in condition for allowance with respect to previously cited prior art.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 1-7, 9, 11-13, 15-16, 18-21 and 26-331) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA
TOTAL CLAIMS	23	- 25 =
INDEPENDENT CLAIMS	3	- 3 =
		0

☐ This is a request for a ____ Month Extension of Time. The Extension of Time is being paid with a credit card via EFS Web.

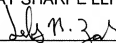
☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Jeffrey N. Zahn, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP



Jeffrey N. Zahn, Reg. No. 54,864
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

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Date